

STATEMENT OF THE HONORABLE DAVID R. HINSON, FEDERAL AVIATION
ADMINISTRATOR, BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE, SUBCOMMITTEE ON AVIATION, CONCERNING
H.R. 3267. MAY 1, 1996.

Mr. Chairman and Members of the Subcommittee:

While I appreciate very much the opportunity to appear before you today, I am saddened that we are here because of a tragic accident that recently claimed the lives of 7-year-old Jessica Dubroff, her father Lloyd Dubroff, and flight instructor Joe Reid.

We must, of course, await the completion of the NTSB's investigation to have definitive answers about the cause or causes of this tragedy. But this accident has quite understandably and appropriately caused the Congress and the FAA to consider issues associated with non-pilots, and particularly young children, in the cockpit and to closely examine as well the efforts of non-pilots to lay claim to flight records by non-pilots. In fact, immediately following this accident, we set in place a review of this issue, as I will describe in a moment, and I am in the process of writing all Certified Flight Instructors to remind them of their safety responsibilities. Let me say also that the Administration does not and will not encourage non-pilots of any age to engage in pursuing flight records, since, in the case of non-certificated individuals, we view these efforts more as publicity stunts than aeronautically valuable experiences.

Before I address the legislation you recently introduced, Mr. Chairman, I would like to take a few minutes to highlight the FAA's current regulations on pilots, student pilots, and flight instructors, as well as to clear up some misunderstandings that have arisen in the press.

The first thing I want to stress is that a non-certificated person who may participate in manipulating the controls of an aircraft is not a pilot, but merely a passenger aboard that

aircraft. The experienced, licensed pilot-in-command sitting at the dual controls of that aircraft is the plane's pilot, and bears sole responsibility for all aspects of the operation and safety of that aircraft.

In order to serve as the pilot of an aircraft, an individual must, as a minimum, have a student pilot certificate. A student pilot certificate enables a student pilot, who has demonstrated appropriate aeronautical knowledge and skills, to engage in solo flight that is a prerequisite to receiving a private pilot certificate. Part 61 of the FAA's regulations prohibits the issuance of student pilot certificates for the operation of aircraft to persons less than 16 years of age, except that a student pilot certificate limited to operation of free balloons or gliders may be issued to an individual who is at least 14 years of age. To receive a private pilot certificate, an individual must have attained the age of 17. FAA has consistently denied petitions for exemptions from these age requirements, and will continue to do so.

To become a licensed pilot, you must be instructed by a properly licensed flight instructor. The requirements for becoming a Certified Flight Instructor (CFI) are considerable. CFI's must renew their certificates every 24 months, and are eligible for such renewal only after undergoing a refresher course with an FAA-approved curriculum or upon certification by an FAA employee that the CFI is qualified to give instruction. Almost 60 general aviation organizations offer refresher clinics with curricula **individually reviewed** by the FAA for completeness, and many CFI's choose to **accomplish their renewals** in this manner. Ensuring that CFI's are conducting proper instruction and complying with all FAA regulations is monitored by the FAA as part of its regular inspection program.

Turning to H.R. 3267, Mr. Chairman, I would like to indicate our support for your bill and to compliment you on an approach that addresses the immediate issue raised by the Dubroff tragedy and asks for a thorough review of the broader issues raised by this accident. H.R. 3267 would prohibit aviation record-setting efforts by persons who do not hold valid pilot and medical certificates. This legislation reasonably forbids the kinds of media driven, record-setting attempts by uncertificated individuals, which have rarely received the support of responsible segments of the aviation community.

The bill recognizes that there are structured programs that promote early acquaintance with the art and science of flying, such as the Young Eagles program, sponsored by the Experimental Aviation Association, the Civil Air Patrol program, and the Aircraft Owners and Pilots Association's (AOPA) Project Pilot program, which a legislatively-mandated age restriction could affect. These are responsible organizations that do much good for aviation.

H.R. 3267 also envisions a thorough review of the full range of issues associated with the manipulation of the controls of an aircraft by uncertificated personnel. This is consistent with the efforts that are already underway by the FAA. As I noted earlier, immediately following the Dubroff accident, we acted to set up a review that would fully assess these issues. I have asked the General Aviation Issues Group of the Aviation Rulemaking Advisory Committee (ARAC) to review efforts the FAA already has initiated. Working with **Assistant Secretary** for Transportation Policy Frank Kruesi, this group will review existing **regulations**, guidance, and any relevant accident history, along with any other pertinent materials relative to the manipulation of aircraft controls by non-certificated persons.

The FAA will also work with the Issues Group and the aviation community to further refine and identify issues related to manipulation of aircraft controls by non-certificated persons, including current practices, and the cognitive, physical, and coordinative capabilities of young children. Further, the study will take into account any relevant findings from NTSB accident investigations involving young persons and other non-certificated persons in order to develop appropriate recommendations based on that review, if warranted.

We expect that the Issues Group will complete its review of FAA materials related to this issue within the next two weeks, and will complete its survey of issues identified by the aviation community shortly after that. Recommendations will be presented to Secretary Peña and me this June. This represents an acceleration of our initial August 1 date for completion of the review.

In closing, Mr. Chairman, I believe the combined approach of legislatively prohibiting needless, record-breaking attempts by non-certificated personnel that bear no relationship to furthering aviation knowledge and skills, in conjunction with a fresh look at the current state of regulations for manipulation of flight controls by such individuals, will produce the information necessary to formulate a well-reasoned response to the concerns to which this tragedy has given rise.

That **concludes** my prepared statement, Mr. Chairman. I would be pleased to answer any questions you or the Members of the Subcommittee have at this time.